

TKM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Luis SALDANA-Rodriguez,

Defendant(s)

Magistrate Case No. 08 MJ 1786

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

Transportation of Illegal

Aliens

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)

Bringing in Illegal Aliens Without

Presentation

The undersigned complainant, being duly sworn, states:

COUNT ONE

On or about **June 6, 2008**, within the Southern District of California, defendant **Jose Luis SALDANA-Rodriguez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, , **Martha Reyna Giles**, **Maria Angelica HERNANDEZ-Salgado**, and **Paul ARROYO-Magana** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

COUNT TWO

On or about **June 6, 2008**, within the Southern District of California, defendant **Jose Luis SALDANA-Rodriguez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Martha REYNA-Giles**, **Maria Angelica HERNANDEZ-Salgado**, **Paul ARROYO-Magana**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF **JUNE 2008**.

Ruben B. Brooks

UNITED STATES MAGISTRATE JUDGE

Tum

CONTINUATION OF COMPLAINT:
Jose Luis SALDANA-Rodriguez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Martha REYNA-Gilles**, **Maria Angelica HERNANDEZ-Salgado**, **Paul ARROYO-Magana**, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144. *6:10 PM 6-9-08 NBS*

On June 6, 2008, Border Patrol Agent M. Vargas was assigned line watch duties in the Imperial Beach Area of Operations. At approximately 5:00 a.m., the inside scope operator notified Agents in the field via Service radio of a large group of individuals running north in an area known as "East Smuggler's". "East Smuggler's" is located approximately three miles west of the San Ysidro, California Port of Entry and 200 yards north of the United States/Mexico International boundary.

Agent Vargas responded to the area and when he arrived, he encountered twenty-two individuals attempting to conceal themselves in some dense brush. Due to the close proximity to the border, and the scope observation Agent Vargas identified himself as a United States Border Patrol Agent and performed an immigration inspection. Each subject, including one later identified as the defendant **Jose Luis SALDANA-Rodriguez**, freely admitted to being a citizen and national of Mexico illegally present in the United States and not in possession of any documents that would allow them to enter or remain in the United States legally. At approximately 5:42 a.m., all twenty two individuals, including SALDANA, were placed under arrest and subsequently transported to the Imperial Beach Border Patrol Station.

DEFENDANT STATEMENT:

SALDANA admitted to being a citizen of Mexico without the proper immigration documents that would allow him to or enter or remain in the United States. SALDANA stated that prior to today's event; he had previously crossed illegally into the United States on May 24th, 2003. SALDANA stated that this morning he had entered the United States illegally over the fence and through the hills with his destination being San Diego, California. When asked if he had any fear of returning to Mexico, he stated that he was afraid of returning to being poor.

When told by Agent Nava that he had been apprehended with 22 illegal aliens, SALDANA stated that there were actually 33. SALDANA denied guiding in this event but stated that he was tasked with upon arriving to the load house, to transport the group from San Diego California to Los Angeles, California. SALDANA also stated that he was not being charged to cross as he was part of the smuggling operation. He admitted to knowing the location of load houses in San Diego and in Los Angeles. SALDANA admitted that on June 5th, 2008, he was apprehended at the San Clemente Border Patrol checkpoint transporting six undocumented aliens. SALDANA stated that in that event, he was to be paid \$200.00 USD by an individual named "Tony" for transporting the group to Los Angeles. SALDANA once again freely admitted to being a smuggler and being a member of a smuggling organization.

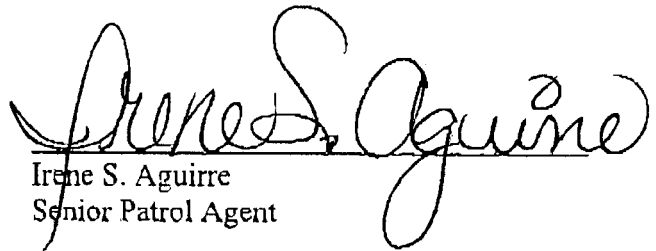
CONTINUATION OF COMPLAINT:

Jose Luis SALDANA-Rodriguez

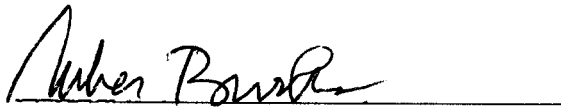
MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Martha REYNA-Gilles, Maria Angelica HERNANDEZ-Salgado and Paul ARROYO- Magana** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they do not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Tijuana Baja California, Mexico to be smuggled into the United States. The three material witnesses stated that they were to pay between \$1,800 to \$2,500.00 U.S. dollars to be smuggled into various parts of the United States. **Martha Reyna Gilles** identified the defendant as the driver that was taking her to Los Angeles on June 5, 2008.

Executed on June 7, 2008, at 11:00 am.


Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendants named in this probable cause statement committed the offense on **June 6, 2008**, in violation of Title 8, United States Code, Section **1324**.


Ruben B. Brooks
United States Magistrate Judge

6/7/2008 at 12:40 p.m.
Date/Time